



November 11, 2022

Hon. Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007  
VIA ECF ONLY

Re: *Coker v Goldberg & Associates P.C.* 1:21-cv-1803-JLR  
Depositions Status Update

Your Honor:

Pursuant to your November 9, 2022 Order [Dkt 52], we submit this status report regarding deposition scheduling, unfortunately not in a joint posture. Though having conferred multiple times by both phone and email, much to my chagrin, we have not come to agreement as to the Defendants' (combined 30b6 and individual) deposition date. Through counsel, the Defendant has now, just today for the first time, indicated that she will be totally unavailable beginning November 29 for two full months due to a never before mentioned medical issue. (See emails attached.)

Following our court appearance we went back and made best efforts to find all available to find dates prior to the December 12 discovery deadline. From this we had proposed the following dates: 12/1, 12/2, 12/6, 12/7 (all of which will require some amount of adjustment to other commitments). The response back was that NONE of these work because of this medical situation. Defense counsel indicated that defendant could do the following dates, that we had already previously indicated did not work: "11/17 afternoon; 11/18; 11/22 morning; 11/25; 11/28 afternoon." The first two offered days we had already indicated are not good because of full day work commitments involving multiple individuals both of those days. I had also already indicated several times that the week of 11/21-25 (Thanksgiving week) I am planning to be out of country. While I have at times been willing to amend personal plans for work needs, under the circumstances I do not feel it is appropriate to do so given that it was, quite simply, not my fault that things have devolved as they have. On 11/28 I am scheduled to be in federal court in Colorado Springs for an in person settlement conference, for which I have made arrangements.

Since it is not being indicated as available for the defendant's deposition we have agreed to produce our client for deposition on December 6 and have confirmed her availability.



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In light of the above we ask that the Court order the defendants' deposition to take place on December 7, 2022.

If Defendants do provide a response to the Court that convinces Your Honor that none of our proposed December dates are feasible, as much as we are extremely reluctant to agree to an extension of any kind here, we would find it preferable to acquiesce to doing so (i.e. to conducting the deposition after the medical leave of absence) rather than having to fit this square peg into the tiny round hole of November.

Thank you for your attention to this matter.

Sincerely,

Penn Dodson, Esq.

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encl: Emails